



## Virginia Workers' Compensation Commission

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### GUIDELINES ON LOOKING FOR LIGHT DUTY WORK

1. **Good faith search for work** - An employee who is partially disabled – *i.e.*, unable to perform his or her regular job, but able to perform light duty work – is required to seek light duty work in good faith in order to receive disability benefits if he or she is not on an open award.
2. **Factors the Commission considers** - In deciding whether a partially disabled employee has made a reasonable effort to find suitable light duty employment the Commission considers such factors as : (1) the nature and extent of the disability; (2) the employee's training, age, experience and education; (3) the nature and extent of the job search; (4) the availability of jobs in the area suitable for the employee considering his disability; (5) any other matter affecting the employee's capacity to find suitable employment.
3. **Evidence of reasonable effort** – It is presumed that in most cases the claimant made a reasonable effort to market residual work capacity when he or she (a) registered with the Virginia Employment Commission within a reasonable time after being released to return to work and (b) directly contacted at least five potential employers per week where the employee has a reasonable basis to believe that there might be a job available that he or she might be able to perform<sup>1</sup> and (c) if appropriate, contacted the pre-injury employer for light duty work.
4. **Keep a job search record** – Information provided by the injured worker about job contacts should be supported by facts, preferably in writing, about the names of the employers contacted; where the employers are located; the date(s) the contact was made; whether the contact was in person, by phone or via internet; and the result of the contact.
5. **Pre-injury skills or experience** - Where an injured worker has particular job skills or training, he or she may focus the search on jobs in that field if there are jobs in that field that the employee can reasonably perform. However, if within a reasonable amount of time the search is not successful, the employee must broaden the search beyond that field.
6. **Method of Contacting Employers** - Employer contacts should be conducted in a manner reasonably suited to the position sought, which in some cases may be personal visits. In other cases, contacts may be by phone, internet, mail, or through employment agents such as union hiring halls.
7. **Attempt to maximize earnings** - If the employee locates and takes a job that pays substantially less than his or her pre-injury job, the employee should continue looking for a higher paying job.

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<sup>1</sup> It is not necessary to prescreen or know for certain of the availability of a suitable job.